



Attorney Docket No. 329228001US5

OCT 24 2003

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Date: October 21, 2003

Byz.

Sandy Reisman

## PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: KENT D. ELLIS *ET AL.*

APPLICATION No.: 10/657,727

FILED: SEPTEMBER 8, 2003

**FOR: PERSONAL WARMING SYSTEMS AND APPARATUSES FOR USE IN HOSPITALS AND OTHER SETTINGS, AND ASSOCIATED METHODS OF MANUFACTURE AND USE**

EXAMINER: UNKNOWN

ART UNIT: UNKNOWN

CONF. NO: UNKNOWN

**Information Disclosure Statement Within Three Months of Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## 1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

## 2. Cited Information

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following:

Copies of the following references can be found in parent U.S. Application No. 10/419,705:

All cited references

References marked by asterisks

The following:

The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

All cited references

References marked by ampersands

The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):

In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or

In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign

application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP



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OCT 24 2003  
PATENT & TRADESHEET

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
Form PTO-1449 (Modified)  
(Use several sheets if necessary)

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COMPLETE IF KNOWN	
Application Number	10/657,727
Confirmation Number	
Filing Date	September 8, 2003
First Named Inventor	Kent D. Ellis
Group Art Unit	
Examiner Name	
Attorney Docket No.	329228001US5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		2,688,070	A	Freedlander	8/31/54	
		3,423,574		Shomphe et al.	1/21/69	
		3,553,749		Majeske	1/12/71	
		3,900,654	A	Stinger	8/19/75	
		4,310,745		Bender	1/12/82	
		4,423,308		Callaway et al.	12/27/83	
		4,788,417		Graflind	11/29/88	
		4,833,305	A	Mashimo et al.	5/23/89	
		5,031,261		Fenner, Sr.	7/16/91	
		5,138,138		Theilacker et al.	8/11/92	
		5,265,296		Abbas et al.	11/30/93	
		5,324,911		Cranson et al.	6/28/94	
		5,371,340		Stanfield	12/6/94	
		5,385,529		Koch	1/31/95	
		5,451,747		Sullivan et al.	9/19/95	
		5,494,051		Schneider, Sr.	2/27/96	
		5,516,189		Ligeras	5/14/96	
		5,604,021		Wagner	2/18/97	
		5,720,774		Glucksman	2/24/98	
		5,785,716		Bayron et al.	7/28/98	
		5,881,410		Yamada	3/16/99	
		5,932,129		Hyatt	8/3/99	
		5,948,303		Larson	9/7/99	
		6,006,136		Glucksman	12/21/99	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	

<p style="text-align: center;"> <b>O I P E</b>  <b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>          Form PTO-1449 (Modified)          OCT 24 2003 (use several sheets if necessary)       </p>				<b>COMPLETE IF KNOWN</b>	
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Examiner Name					
Sheet 2 of 3	2 of 3	Attorney Docket No.	329228001US5		

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		CA	969621		SCI Systems, Inc.	6/17/75		
		DE	2308214	A	Stierlen-Werk AG	8/22/74		
		DE	3405425	A	Siemens AG	8/22/85		
		DE	3707948	A	Schmidt B & W & Co.	9/22/88		
		DE	29809445		Stihler Electronic GMBH	8/20/98		
		EP	677283	A1	Schneider	10/18/95		
		EP	0757907	A1	Teikoku Hormone Mfg. Co., Ltd.	2/12/97		
		GB	2255262	A	Merriott Mouldings Limited	10/28/92		
		JP	57-180888	A	Taniguchi	11/8/82		
		JP	402276185	A	Furukawa Electric Co. Ltd.	11/13/90		
		JP	03165746	A	N R D KK	7/17/91		
		JP	404073883	A	Matsushita Electric Ind. Co. Ltd.	3/9/92		
		JP	10-43258	A	Mizuho Ika Kogyo KK	2/17/98		
		JP	11214131	A	Kobayashi	8/6/99		
		JP	2001238924	A	Inoac Corp. KK	9/4/01		
		PCT	WO01/95841	A2	American HealthCare Products, Inc.	12/20/01		

EXAMINER

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Sheet	3	of	3	Attorney Docket No.	329228001US5

## OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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